

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHN D. HOLDER,

Plaintiff,

vs.

OLIN CORPORATION,

Defendant.

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No. 3:13-cv-01236-MJR-DGW

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ILLINOIS:

Pursuant to 28 U.S.C. § 1441 *et seq.*, Defendant Olin Corporation, by and through its undersigned counsel, hereby removes this action to the United States District Court for the Southern District of Illinois. The following are set forth as grounds for removal:

1. On or about the 15<sup>TH</sup> day of October, 2013, an action was commenced against Defendant Olin Corporation in the Circuit Court of Madison County, Illinois, entitled *John D. Holder v. Olin Corporation*, Case No. 2013-L-001748.

2. Attached hereto as Exhibit A and incorporated by reference is a copy of the Summons issued by the Clerk of that Court and a copy of the Complaint setting forth the claim upon which Plaintiff John D. Holder's ("Plaintiff") action is based. These documents constitute all process, pleadings, and orders Defendant has received or obtained in said action.

3. On information and belief, Plaintiff John D. Holder is an individual residing in Illinois and is thus a citizen of Illinois for purposes of 28 U.S.C. § 1332(a).

4. Olin Corporation is and has been a corporation incorporated under the laws of the Commonwealth of Virginia with its principle place of business in St. Louis, Missouri since the

commencement of this suit. Thus, for purposes of diversity under 28 U.S.C. § 1332(a), Olin Corporation is a citizen of Virginia and Missouri.

5. In Count I of his Complaint, Plaintiff alleges retaliation by way of discharge in violation of the Illinois Workers' Compensation Act. Plaintiff claimed damages include: "lost wages," "lost benefits," and "lost security" in the amount of "\$50,000." In Count II of his Complaint, Plaintiff alleges that Olin engaged in willful and wanton misconduct pursuant to 820 ILCS 305. Plaintiff asks for punitive damages in the amount of \$750,000.00. In Count III, Plaintiff alleges breach of contract in violation of Olin's General Plant Rules. For Count III, Plaintiff seeks judgment in excess of "\$50,000." Based on all of Plaintiff's compensatory and punitive damages claims, the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

6. By reason of the amount in controversy and the complete diversity of citizenship of the parties, the action is within the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332(a).

7. Accordingly, the action is removable from the Circuit Court of Madison County, Illinois, pursuant to 28 U.S.C. § 1441(a).

8. The Summons and Complaint contained in Exhibit A were received by Defendant on October 29, 2013. This removal is timely under 28 U.S.C. § 1446(b) in that it is filed within thirty (30) days after the receipt by Defendant through service of a copy of the initial pleading setting forth the claims for relief against Defendant upon which this action is based.

9. Defendant has given written notice of the filing of this Notice of Removal to Plaintiff and has filed a copy of this Notice of Removal with the Clerk of the Circuit Court of Madison County, Illinois. A copy of the Notice of Filing Notice of Removal filed in the Circuit Court of Madison County, Illinois is attached hereto as Exhibit B and incorporated herein by this reference.

10. WHEREFORE, Defendant Olin Corporation respectfully removes this action now pending in the Circuit Court of Madison County, Illinois, entitled *John D. Holder v. Olin Corporation*, Case No. 2013-L-001748, from that Court to this Court.

Respectfully submitted,

HUSCH BLACKWELL, LLP

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*Attorneys for Defendant Olin Corporation*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing Notice of Removal was served this 27th day of November, 2013, by depositing the same in the U.S. mail, first-class, postage prepaid, addressed to:

Bob L. Perica  
The Perica Law Firm, P.C.  
229 East Ferguson Avenue  
Wood River, Illinois 62095  
Email: bob@periclawfirm.com

*Attorney for Plaintiff John D. Holder*

/s/ Laura B. Staley